

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**DEANDRE WILLIAMS,**

**Plaintiff,**

**v.**

**9:11-CV- 379**

**BRIAN FISHER, CHERYL V. MORRIS,  
OMEGA B. ALBTON, D. ROCK, M. LIRA,  
J. HAWK, DON HAUG, KAREN BELLAMY,  
KENNETH S. PEARLMANN, and ALEC H.  
FRIEDMANN,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

DEANDRE WILLIAMS  
#99-A-0052  
Upstate Correctional Facility  
P.O. Box 2001  
309 Bare Hill Road  
Malone, NY 12953  
Plaintiff *pro se*

HON. ERIC T. SCHNEIDERMAN  
Attorney General of the  
State of New York  
The Capitol  
Albany, NY 12224  
Counsel for Defendants

KEVIN P. HICKEY, ESQ.  
Assistant Attorney General

**NORMAN A. MORDUE, U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge  
Therese Wiley Dancks, duly filed on the 29<sup>th</sup> day of January 2013. Following fourteen (14) days  
from the service thereof, the Clerk has sent me the file, including any and all objections filed by

the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. Defendants' motion to dismiss (Dkt. No. 36) pursuant to Federal Rule of Civil

Procedure 12(b)(6) is denied.

3. Defendants' motion pursuant to 28 U.S.C. § 1915(g) seeking the conditional dismissal of plaintiff's complaint on the grounds that plaintiff has failed to satisfy the imminent harm exception to the three strike rule is denied without prejudice.

4. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: February 20, 2013  
Syracuse, New York

  
Honorable Norman A. Mordue  
U.S. District Judge